

REMARKS

Status of Claims

Claims 1-12 and 15-24 are pending and have been rejected by the Examiner. Claims 1, 7 and 15 have been amended. Claim 25 is newly added. Accordingly, claims 1-12 and 15-25 are presented and at issue. Reconsideration and allowance of the application in view of the foregoing amendments and following remarks are respectfully requested.

Support for Claim Amendments

Claim 1 has been amended to recite, *inter alia*, “prompting a primary user, via a transaction control system implemented on a computer.” Support for the amendment can be found throughout the specification and figures. See, for example, FIG. 1, and paragraphs [0011], [0013], [0019], and [0028]. In addition, claim 1 has been amended to recite, *inter alia* “upon determining, via the transaction control system, that a transaction is not acceptable...returning to the secondary user a notice of suspension of the account privileges.” Support for the amendment can be found throughout the specification and figures. See, for example, paragraph [0026]. No new matter was entered.

Claim 7 has been amended to recite, *inter alia*, “wherein the control over transactions is provided by a cable television service provider.” Support for the amendment can be found throughout the specification and figures. See, for example, paragraph [0015]. No new matter was entered.

Claim 15 has been amended to recite, *inter alia*, “the storage medium including computer executable instructions.” Support for the amendment can be found throughout the specification and figures. See, for example, paragraph [0028]. In addition, claim 15 has been amended to recite, *inter alia*, “wherein the control over transactions is provided by a merchant.” Support for the amendment can be found throughout the specification and figures. See, for example, paragraph [0016]. No new matter was entered.

Claim 25 is newly added. Support for the amendment can be found throughout the specification and figures. See, for example, paragraph [0012].

Rejections Under 35 U.S.C. §112

Claims 7-12 and 22 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner alleges that “a means for receiving and storing the financial notification data,” “means for receiving data,” “means for retrieving,” are not adequately disclosed in the specification. The Applicants respectfully disagree. “A means-plus-function limitation may be implicit in the written description if it would have been clear to those skilled in the art what structure must perform the function recited in the means-plus-function limitation. (MPEP 2181; See also *Atmel Corp. v. Information Storage Devices Inc.*, 198 F.3d 1374, 1379). In addition, “[u]nder proper circumstances, drawings may provide a written description of an invention.” (MPEP 2181; See also *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1565). The Applicants direct the Examiner to FIG. 1. Element 108 of FIG. 1 illustrates a user preferences database. Paragraph [0022] of the specification states, *inter alia*, “primary account holder is prompted to enter financial notification data...” This financial data includes, *inter alia*, “a spending limit, a location type, a time of day, a type of purchase, and a type of merchant.” Elements 110, 112, 126, and 130 of FIG. 1 represent various input devices, and elements 134, 136, and 138 represent various networks that interconnect the various input devices to the user preference database 108. Paragraph [0021] of the specification recites, *inter alia*, “a user interface 112 is presented to client system 110 upon accessing the transaction control system online.” It is noted that the various input devices, interfaces and networks described in the figures and specification provide “a means for receiving...notification data.” It is further noted that the various databases, including the user preferences database, provide a means for “storing the financial notification data,” as well as “receiving data.”

The Examiner also alleges that “a means for sending a notification to the point of sale based upon the data relating to the financial transaction,” is not adequately disclosed in the specification. The Applicants respectfully disagree. Paragraph [0026] recites, *inter alia*, “the transaction control system sends a notification of approval to execute the transaction at step 410 to the requesting entity at the POS location (e.g., merchant 114,

online merchant/service provider 120).” As described above, FIG. 1 includes networks 134, 136, and 138 interconnect the various network entities in the Figure, including database 124, which is located within the merchant or service provider. (Para. [0013]). Paragraph [0013] recites, *inter alia*, “[r]egistration is performed by transaction control host system 102 via packet-switched network 134,” thereby providing support for communication among the network entities depicted in FIG. 1.

The Examiner also alleges that “means for approving a request to execute the financial transaction,” is not adequately disclosed in the specification. The Applicants respectfully disagree. Paragraph [0026], for example, describes a transaction control system on a server 104, which in conjunction with user preference database 108 and transaction history record database 106, engages in various activities, one of which is an approval process (step 408 of FIG. 4). In light of the preceding remarks, the Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejections Under 35 U.S.C. §101

Claims 1-12 and 15-24 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 7 and 15 have been amended as described below. The Applicants respectfully request reconsideration and withdrawal of the rejections.

Claims 7-12 and 22 were rejected under 35 U.S.C. §101 because the claims allegedly recite a system contain mere software.

Claim 7 is “means plus function” claim and, as such, is statutory. (See MPEP 2182). Although the Examiner, in the 35 U.S.C. §112 rejection of the Office Action, has alleged that the means are not adequately described in the specification, the Applicants have successfully traversed the rejections as stated above. As the specification adequately describes the various means, the Applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 7 and claims 8-12 and 22, which depend from claim 7.

Claims 15-20 and 23 were rejected under 35 U.S.C. §101 because the claims recite “the storage medium including instructions,” which the Examiner indicates are not computer executable instructions. The Applicants have amended claim 15 as

recommended by the Examiner and described above. The Applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 15 and claims 8-12 and 22, which depend from claim 15.

Claims 1-6, 21 and 24 were rejected under 35 U.S.C. §101. Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that §101 process must (1) be tied to a machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing.

Claim 1 has been amended to recite, *inter alia*, "prompting a primary user, via a transaction control system implemented on a computer," as discussed and supported above. Claim 1 is tied to a machine; therefore, the Applicants submit that claim 1 recites statutory subject matter and request reconsideration and withdrawal of the rejection.

Rejections Under 35 U.S.C. §103

Claims 1-12 and 15-24 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 7,254,548 to Tannenbaum, (hereinafter "Tannenbaum"). U.S. Patent Application Publication No. 2002/0112171 to Ginter et al. (hereinafter "Ginter").

The Examiner states that Tannenbaum in view of Ginter teaches all of claim 1. Claim 1 has been amended to recite, *inter alia*, "approving a request to execute the financial transaction... and returning to the secondary user a notice of suspension of the account privileges." There is nothing in Tannenbaum or Ginter, either alone or in combination, that teaches, suggests, or renders obvious, "upon determining, via the transaction control system, that a transaction is not acceptable...approving a request to execute the financial transaction" and then "returning to the secondary user a notice of suspension of the account privileges." Although Tannenbaum generally discusses inhibited transactions, there is nothing that teaches or suggests this element. (See, e.g., "The boat account is \$1,000.00. It is a semi-annual amount and has a priority 3, which if desired, means that if other categories are over at a particular time when the boat account is to be used this account will be inhibited (subject to being overridden by the user) until the overall account balance goes below a certain amount," Tannenbaum col. 8 lines 57-63). The addition of Ginter does not repair the deficiencies of Tannenbaum. Therefore,

for at least these reasons, claim 1 is patentable over the combination of Tannenbaum and Ginter.

With regard to claim 7, there is nothing in the combination Tannenbaum and Ginter that teaches, suggests, or renders obvious, “wherein the control over transactions is provided by a cable television service provider.” Although Tannenbaum teaches “cable satellite network” providers it does so in the context of a channel for accessing “his or her account” and not as a transaction control provider. (Tannenbaum, col. 5 lines 51-66). The addition of Ginter does not repair the deficiencies of Tannenbaum. Therefore, for at least these reasons, claim 7 is patentable over the combination of Tannenbaum and Ginter.

With regard to claim 15, there is nothing in the combination Tannenbaum and Ginter that teaches, suggests, or renders obvious, “wherein the control over transactions is provided by a merchant.” Although Tannenbaum teaches “a point of sale located at a merchant's premises,” it does so in the context of a sales channel and not as a transaction control provider. (Tannenbaum, col. 5 lines 51-66). The addition of Ginter does not repair the deficiencies of Tannenbaum. Therefore, for at least these reasons claim 15 is patentable over the combination of Tannenbaum and Ginter.

With regard to new claim 25, there is nothing in the combination of Tannenbaum and Ginter that teaches or suggests “wherein the control over transactions is provided by an application service provider.” Therefore, for at least this reason, the Applicants submit that claim 25 is patentable over the references and request reconsideration and withdrawal of the rejection.

Dependent claims 2-6, 8-12, and 16-24 depend variably from claims 1, 7 and 15 and are allowable for at least the reason that they depend from allowable base claims.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that the application is now in condition for allowance. Such action is therefore respectfully requested.

If a communication with Applicants' Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130. In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

CANTOR COLBURN LLP

Applicants' Attorneys

By: /Marisa J. Dubuc /

Dated: July 24, 2009

Registration No: 46,673

Customer No. 36192

Address: 20 Church Street, 22nd Floor, Hartford, CT 06103

Telephone: (860) 286-2929

Fax: (860) 286-0115